HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2812 of 2005

Dated 26th December, 2007

Between

R.Kannaya Singh @ Kannayya Lal

…Petitioner

and

The Commissioner of Police, Cyberbad, RR District

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2812 of 2005

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the respondents in opening rowdy sheet against the petitioner in Narsingi Police Station, Ranga Reddy District as illegal and arbitrary.

At that first instance, a rowdy sheet, as contemplated under the A.P. Police Standing Orders, was opened against the petitioner in the year 1999 on the ground that the petitioner was involved in the following criminal cases:

(1) Cr.No. 53/88 for the offence under Sections 147, 324, 302 r/w.149 CPC

(2) Cr.No.79/93 for the offence under Section 34(a) of the A.P. Excise Act.

(3) Cr.No.75/96 for the offence under Sections 447 & 427 IPC

(4) Cr.No.78/91 for the offence under Sections 447 & 506 IPC

(5) Cr.No.79/97 under Sections 447, 506, & 379 IPC

(6) Cr.No.85/98 for the offence under Sections 447 & 506 IPC

(7) Cr.No.86/98 for the offence under Sections 447, 506 & 379 IPC

(8) Cr.No.60/2000 for the offence under Sections 420, 120(a) IPC.

It is the grievance of the petitioner that though in all most all the cases, he was acquitted and there is no further involvement in any case, the rowdy sheet is being continued mechanically without reviewing the sane.

Though Writ Petition is of the year 2005, no counter affidavit is filed on behalf of the respondents. But, however, on instructions, it is submitted by the learned Government Pleader appearing for the respondents that no cases are pending against the petitioner as on today. It is further stated that the rowdy sheet opened against the petitioner is being reviewed from time to time and is valid up to 31-12-2007.

Earlier, opening of rowdy sheet was governed by Standing Order 742 of the Police Standing Orders. But, however, in the place of old Standing Orders, new Police Standing Orders are brought into force and presently, opening of rowdy sheet and its continuance, is governed by Standing Order 601 of AP Police Manual.

In the case of S.Satyanarayana Vs. State of Andhra Pradesh {1999 {6) ALT 249}, this Court held that the rowdy sheet opened cannot be continued mechanically and it has to be reviewed

periodically. In that view of the matter, as it is stated that all the cases, in which the petitioner was involved, ended in acquittal after trial and there is no further involvement of the petitioner in any other crimes, I dispose of the Writ Petition directing the respondents to review the necessity of continuance or otherwise of the rowdy sheet opened against the petitioner, by taking into account the acquittals of the petitioner in various criminal proceedings and non-involvement of the petitioner in other criminal case s, and, pass appropriate orders and communicate the same to the petitioner.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 26-12-2007.
Msnr.